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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,580	08/09/2001	Vugranam C. Sreedhar	YOR920010262US2	2877

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EXAMINER

VO, TED T

ART UNIT PAPER NUMBER

2192

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,580

Applicant(s)

SREEDHAR, VUGRANAM C.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 8, 10-12, 16, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 8, 16 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 10-12, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 8, 16, and 20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 02/09/05, responsive to the Office action dated, 05/28/04.

It should be noted that supplied information not related to this application would cause delay. For example, see unknown number "09/544,687" appears in the page 1, "Transmittal Letter".

Claims 1, 5-7, 9, 13-15, 17, 19 are canceled.

Claims 8, 16, and 20 are withdrawn under restriction/election requirement.

Claims 4, 12, and 18 are amended.

Within this detailed action,

In view of the amendment, the rejection under 35 U.S.C. 112, second paragraph, is withdrawn.

Amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Claims 2-4 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2-4, 10-12, and 18, stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Magee et al., "Composing Distributed Object in CORBA", 1997.

Claims 2-4, 8, 10-12, 16, 18, and 20 are pending in this application.

Election/Restrictions

2. Applicant's election with traverse of claims 2-4, 10-12, and 18, and Applicants withdraw Claims 8, 16, and 20 in the reply filed on 02/09/05 is acknowledged. Applicants' argument is a mere traversal. This is not found persuasive because Applicants give no reasons.

The requirement is still deemed proper and is therefore **made FINAL**.

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This application contains claims 8, 16, and 20 are drawn to an invention nonelected with traverse in Office Action dated 05/28/04, where replying to the Office Action, Applicants give no reasons. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claims 2-4 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 2-4: Claims 2-4 are claiming a method for programming a software component which is led by Claim 4, where the claimed recitation of Claim 4 is as followed:

A method for programming a software component, said method comprising the steps of:

defining properties of said software component, including at least one input port and at least one output port;

providing a software mechanism for instantiating said software component; and

utilizing an attach command to attach at least one of said of said at least one input port to a class.

Claim 4 is not tangibly embodied. Claim 4 recites the limitation that could be manipulated/pointed out in a piece of paper to an abstract idea that is not particular in a practical application. Such claim fails to be in the technological or useful arts and thus fails to recite patent eligible subject matters.

Claims 2-3 fail to remedy the deficiencies of independent claim 4.

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According to the analysis above, claims 2-4 are claiming the methods that are not tangible in computer hardware for causing the computer to execute in a practical manner. The claims 2-4 thus are manipulating an abstract idea and held nonstatutory.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

Response to Arguments

5. Applicants' arguments in the Remarks section filed on 12/17/2004 have been fully considered.

All arguments to canceled Claims are moot.

- Regarding to Applicants arguments to the rejection under 35 USC 101, particularly to the rejection of Claims 2-4 remains in this Office Action.

See MPEP 2106:

To be tangible subject matter, the scope of a Claim as a whole has to be considered. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

A word "data", or "signal" itself gives no clue to cause a claim to be tangible. The words "data" and "signal", or further words like "class", "program", can be illustrated in paper. Since the Claims 2-4, recite merely "*defining properties...*", "*providing a software...*", "*utilizing an attach...*", no further tangible subject matters. These limitations are mere abstract and broad statements that can be laid out by using the paper. With regard to the recitation, *software mechanism for instantiating said software component*, it

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merely recites broad "software mechanism", where the language "*for instantiating said software component*" is solely the label of software mechanism. The "software mechanism" gives no clue of a tangible subject matter. The recitation, "*utilizing an attach command*", does not cause the whole "*utilizing an attach command to attach at least one of said of said at least one input port to a class*" to be tangible because it does not show any tangible subject matter, where *input port to a class* could be illustrated on paper. There are no further limitations in the Claims to cause tangible subject matters.

- Regarding to Applicants arguments of Claim 4, 12, 18 (remarks page 10), Applicants merely assert that Claims 4, 12, 18, require *utilizing an attach command to attach at least one of said of said at least one input port to a class*.

Examiner respectfully responds, While *utilizing an attach command to attach at least one of said of said at least one input port to a class* could be implemented in paper, it could be also implemented manually by a user who manipulates a computer to attach an input port. Magee reference clearly acts by a user. For example, page 262, "*in this paper we have attempted to show that there is a need for techniques and tools to help structure systems of distributed objects*". In the reference, it clearly shows the components which are included with input ports and output ports. The ports are shown in Figure 2 and 3 are elements in a computer. Thus, the tool used to develop the objects/components is a computer operable device/application that allows a user to attach the ports via the computer editor of the tool.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 2-4, 10-12, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Magee et al., "Composing Distributed Object in CORBA", 1997, CiteSeer.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 4: Magee discloses,

A method for programming a software component, said method comprising the steps of:

defining properties of said software component, including at least one input port and at least one output port (See page 258, Figure 2, Component Filter, Provide input, Provide output [properties of said software component]);

providing a software mechanism for instantiating said software component (See page 259, Figure 3, instance J); and

utilizing an attach command to (Magee discloses tools to develop structure systems of components shown in Figure 1, Figure 2, Figure 3, Figure 4, where the structure shown in these figures includes input ports of class), attach at least one of said at least one input port to a class (Figure 1, Figure 2, Figure 3, and Figure 4 show input ports are attached in components).

As per claim 2: From further limitation of Claim 1, Magee further discloses,

further comprising the step of allowing said software component to access an external environment only through said output port (See page 260, Figure 4, graphically, it shows such accessibility).

As per Claim 3: From further limitation of Claim 1, Magee further discloses,

further comprising the step of allowing a client to access said software component only through said input port (See Page 6, Figure 4, graphically, it shows such accessibility).

As per Claim 12: Claimed limitation has the functionally corresponding to the limitation of claim 4. See rationale as discussed above for Claim 4.

As per Claims 10, 11: Claims are rejected in the same reasons as set forth in connecting to the rejections of Claims 2, and 3, because the claimed functionality is corresponding to the functionality of Claims 2 and 3, respectively. See rationale as discussed above for Claims 2 and 3.

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As per Claim 18: Claim is rejected in the same reasons as set forth in connecting to the rejections of Claim 4 because the claimed functionality is corresponding to the functionality of Claim 4.

See rationale as discussed above for Claim 4 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

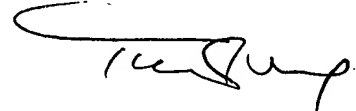
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ted T. Vo', with a stylized flourish at the end.

Ted T. Vo
Primary Examiner
Art Unit 2192
May 10, 2005